

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION


NO. 5:07-HC-2025-BO

UNITED STATES OF AMERICA,                     )  
  Petitioner,                     )  
  )                     )  
  v.                     )  
  )                     )  
SCOTT KEVIN COMBE,                     )  
  Respondent.                     )

ORDER

This matter is before the court on respondent's September 11, 2007, motion to dismiss the petition against him. (D.E. # 11) The motion was filed prior to the Supreme Court's opinion in United States v. Comstock, \_\_\_\_ U.S. \_\_\_\_, 130 S. Ct. 1949 (2010), and on June 22, 2010, respondent filed a second motion to dismiss (D.E. # 23) incorporating the current case law, as well as, a motion for hearing on the merits of his case pursuant to 18 U.S.C. § 4248 (D.E. # 24). The September 11, 2007, motion to dismiss is DENIED AS MOOT and without prejudice.

SO ORDERED, this 19 day of August 2010.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE